

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO DIVERSIFIED)	
OPERATIONS OF LOCAL EXCHANGE)	ADMINISTRATIVE
TELEPHONE COMPANIES)	CASE NO. 340

O R D E R

This matter arising upon petition of Logan Telephone Cooperative, Inc. ("Logan Telephone") filed February 13, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of Exhibit 1 and portions of Exhibit 3 of its responses to the Commission's Order of October 25, 1991 on the grounds that disclosure of the information is likely to cause Logan Telephone competitive injury, and it appearing to this Commission as follows:

On October 25, 1991, the Commission by Order directed the parties to this proceeding to provide certain information relating to their cellular telephone operations. Exhibits 1 and 3, which contain the information sought to be protected by Logan Telephone, were filed as a part of its responses to that Order.

The information sought to be protected is not generally known outside of Logan Telephone's business and is known only to those officials of Logan Telephone who deal with the subject matter encompassed by the information. Logan Telephone seeks to preserve and protect the confidentiality of the information by all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Exhibit 1 reveals Logan Telephone's investments in Kentucky RSA #3 Cellular General Partnership and the investment in the subsidiary corporation involved in the purchase of a general partnership interest in the Cumberland Cellular Partnership for Rural Service Area No. 5. Portions of Exhibit 3, which contain excerpts from Logan Telephone's corporate board meetings, document the exact amount of the financial investments in the subsidiary corporation and in Kentucky RSA #3 Cellular General Partnership.

Only information which is confidential is entitled to protection. Information that is available or may be derived from other sources must be maintained for public inspection. The information sought to be protected is information that can be derived from the periodic reports that public utilities are

required to file with this Commission. Therefore, the information is not confidential and is not entitled to protection. Therefore, the petition for confidential protection should be denied.

This Commission being otherwise sufficiently advised,

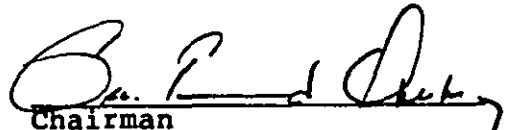
IT IS ORDERED that:

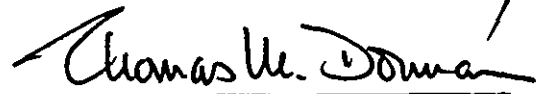
1. The petition to protect as confidential Exhibit 1 and portions of Exhibit 3 to Logan Telephone's responses to the Commission's Order of October 25, 1991 be and is hereby denied.

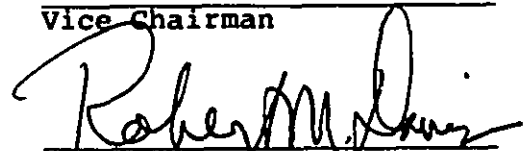
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order, at the expiration of which it shall be placed, without further Orders herein, in the public record.

Done at Frankfort, Kentucky, this 24th day of March, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director